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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,665	07/16/2001	Ki-Hyub Sung	P56406	6179

7590 10/11/2006
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EXAMINER

CHANG, YEAN HSI

ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 10/11/2006

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/904,665
Filing Date: July 16, 2001
Appellant(s): SUNG, KI-HYUB

Robert E. Bushnell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 11/14/2005 appealing from the Office action mailed 4/25/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences(3) Status of Claims

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is mostly correct except "D. Claims 3, 10 and 20 were rejected under 35 U.S.C. §103(a), as rendered obvious and unpatentable, over Lee et al. in view of Sasai et al. (US 6,426,803)."

It had been noticed to the applicant in the Advisory Action mailed 7/29/05 that "Lee" should be changed to "Nakamura".

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,768,095	Nakamura et al.	6-1998
6,587,166 B1	Lee et al.	7-2003
6,426,803 B1	Sasai et al.	7-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 5-6, 21, 24-25, 28-29 and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (US 5,768,095).

Nakamura teaches a display apparatus comprising: a panel (52, fig. 6) bearing a screen (inherent feature, not labeled) disposed to display varying visual images, a panel support (61, fig. 6) holding the panel, a bezel (53, fig. 6) framing a front periphery of the panel, a rear cover (51, fig. 4) removably mating with said bezel while encasing said panel held by said panel support, at least one rib (edge portion of 57b', better seen in fig. 10A) formed to project from a peripheral surface of the bezel (fig. 10A), at least one deformable coupling (57b, fig. 4) bearing a groove (on the right hand side of the upper end portion of 57b shown in fig. 10A, not labeled), extending from an inner surface of the rear cover (fig. 10B), oriented to embrace a correspond rib during said mating (see

fig. 10A) wherein the rib is inserted in the groove (shown in fig. 10A) (claims 21, 25 and 29); at least one stop (shown next to lower edge of 61 in fig. 7A; not labeled) extending from an inner surface of said bezel engaging said support while maintaining said bezel surrounding said screen (claims 24, 28 and 32); at least a pair of stops (only the cross-sectional view of one side of 53 and 61 in fig. 6 is shown in fig. 7, similar view of the other side not shown) protruding from said rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel (claim 5); and/or at least four stops disposed to be adjacent to four corner portions (the sectional view in fig. 7 is taken adjacent to one portion of a corner of the bezel 53 in fig. 6; same view may be at four corner portions) of the rear surface, and protrude from said rear surface of the bezel to engage the panel support and prevent the panel support from moving across a plane of the panel (claim 6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 15-16, 22-23, 26-27 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al.

Nakamura discloses the claimed invention except one rib and one coupling being disposed at each corner portion of the rear cover and the bezel, respectively, or at each corner of the bezel and rear cover, respectively.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device with one rib and one coupling at each corner portion of the rear cover and the bezel, respectively, or at each corner portion of the bezel and the rear cover, respectively, for better stress distributions along the peripheries, since it has been held that mere duplication of the essential working parts of a device and rearranging parts of an invention involves only routine skill in the art. MPEP §2144.04 VI B & C.

5. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Lee et al. (US 6,587,166 B1).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art only under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 103(a) might be overcome by: (1) a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not an invention "by another"; (2) a showing of a date of invention for the claimed subject matter of the application which corresponds to subject matter disclosed but not claimed in the reference, prior to the effective U.S. filing date of the reference under 37 CFR 1.131; or (3) an oath or declaration under 37 CFR 1.130 stating that the application and reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104, together with a terminal disclaimer in accordance with 37 CFR 1.321(c). For applications filed on or after November 29, 1999, this rejection might also be overcome by showing that the subject matter of the

reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Nakamura discloses the claimed invention except a hook is formed at a leading edge of each stop for engaging an edge of the panel support.

Lee teaches a display apparatus comprising 4 stops (535, only one is shown, fig. 10; also see col. 11, lines 41-46) disposed to be adjacent to four corner portions of a rear surface (100, fig. 1), and protrude from a rear surface of a bezel (500, fig. 10) to engage a panel support (400, fig. 1) and prevent the panel support from moving across a plane of a panel (300, fig. 1), wherein a hook (shown in fig. 10, not labeled) is formed at a leading edge of each stop (shown in fig. 10) for engaging an edge (shown in fig. 15, not labeled) of the panel support.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Nakamura with the display apparatus taught by Lee for holding the display apparatus properly assembled.

6. Claims 3, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura et al. in view of Sasai et al. (US 6,426,803 B1).

Nakamura discloses the claimed invention except a tool access hole formed through the rear cover, and clearly showing a skirt of the bezel having a rabbetted edge and a skirt of the rear cover having a rabbetted edge that overlap when said bezel and said rear cover are coupled together.

Sasai teaches a tool access hole (201, fig. 4) formed through a cover (200, fig. 4), and a skirt (not numbered) of a bezel (200, fig. 6) having a rabbetted edge (at location 203, fig. 6) and a skirt of the rear cover (100, fig. 6) having a rabbetted edge (also shown at location 203, fig. 6) that overlap when said bezel and said rear cover are coupled together (shown in fig. 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Nakamura with the tool access hole and the skirts taught by Sasai for easily disengaging the assembly and better fitting when mating.

(10) Response to Argument

Regarding claims 21, 25 and 29, Appellant repeatedly argues element 57b' of Nakamura is not a "rib", and element 57b having no groove. Nakamura shows clearly in figs. 10A and 10B the portion pointed by 57b' being a rib projecting up-wardly from a peripheral surface of the bezel 53 as claimed in claims 21, 25 and 29, and a deformable coupling 57b (col. 6, line 64 through col. 7, line 3 describes 57a and 57b of rear cover 51 being deformable) bearing a groove, extending from an inner surface of the rear cover 51 as clearly shown in figs. 10A and 10B, oriented to embrace a corresponding rib during mating, wherein rib is inserted in the groove as shown in fig. 10A, and as claimed in claims 21, 25 and 29.

Appellant argues, "The Examiner erroneously refers to 'an edge portion' Nakamura's notch 57b' as corresponding to the claimed 'rib'. Additionally, the Examiner refers to Fig. 10A, stating that the 'rib' is better seen in Figure 10A", and "an edge portion of 57b', is clearly not a 'rib.'"

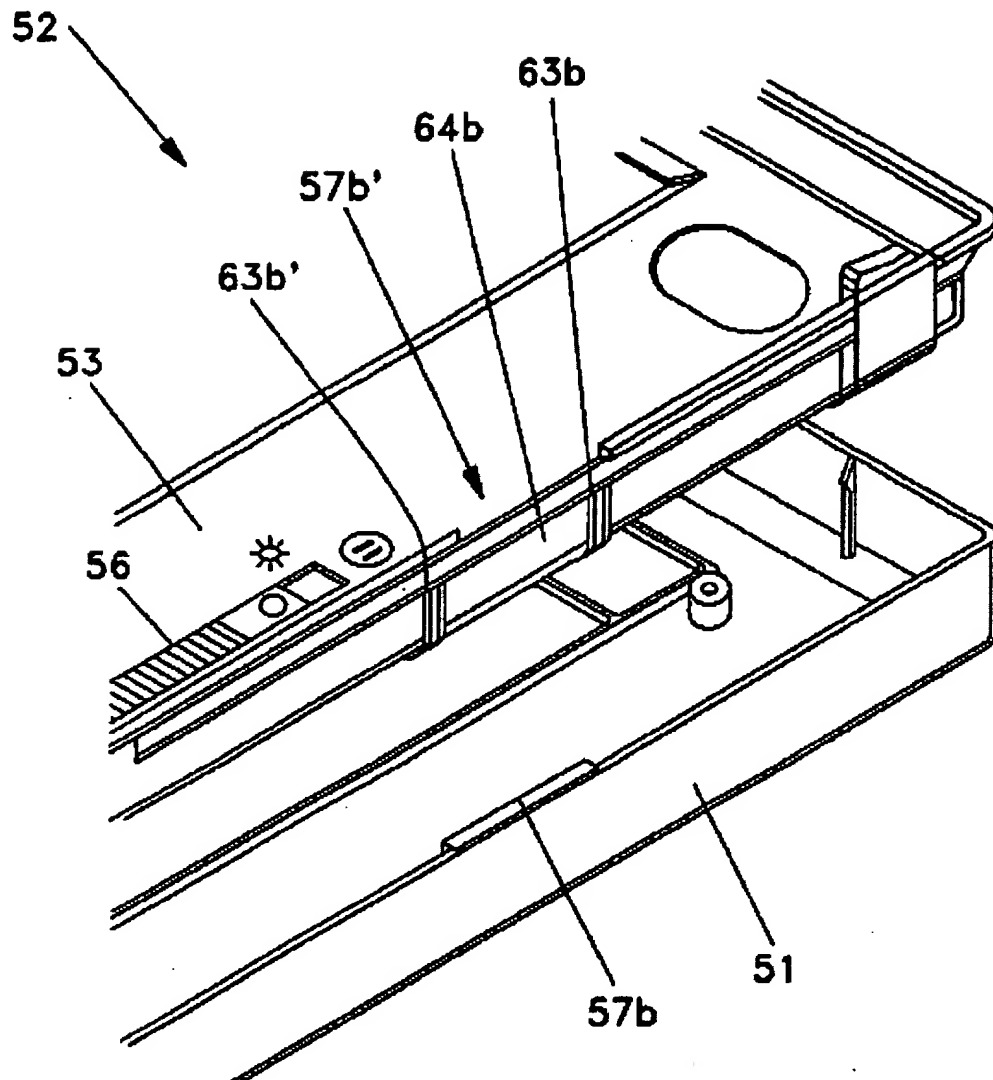
As "a definition of a 'rib' (i.e., something resembling a rib in form, position or use, as a supporting or strengthening part). Phillips v. AWH Corporation, 415 F.3d 1303 (Fed. Cir. 2005)" given by the Appellant, and a definition of a 'groove' (i.e., a long narrow channel or depression) given by Marriam Webster Collegiate Dictionary, the edge portion of 57b' as indicated in fig. 10B is resembling a rib in form, and used to strengthen the notch 57b' for coupling with a groove of latch 57b as described in col. 8 lines 13-18 and col. 9, lines 61-67, and shown in fig. 10A of Nakamura.

Appellant argues also, "since Nakamura's latch 57b, is formed at the top of the side wall, the requirement of claim 1 that it extend from an inner surface of the rear cover is not met by Nakamura."

Figs. 8 and 10B of Nakamura show that the latch 57b is extended from an inner surface of the rear cover 51 as claimed in claims 21 and 25.

Accordingly, the rejection of claims 21, 25 and 29 is proper.

FIG. 8



Regarding claims 5-6, 24, 28 and 32, Appellant argues, "if back member (panel support) 61 is integrally formed with front bezel 53, then it is clear that the panel support will not move. Therefore, there are no stops necessary to prevent the panel support from moving across a plane of the pane," "Nakamura is silent with respect to

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reasons for having such (apparent) stops.” and “The Examiner then goes on to state ‘it may have been obvious to one of ordinary skill in the art.’ “

The terminology “integrally formed” has been used by Nakamura for rear cover 51 with light diffusion plate 55, and front bezel 53 and support back member 61. It is clearly shown in fig. 5 that rear cover 51 is integrally formed with light diffusion plate 55 by screws and brackets 58, therefore, it would be reasonable to say that the front bezel 53 and support back member 61 are two separate elements integrally formed together by unspecified means. Since the external surface of the support back member 61 is almost the same size as the internal surface of the rear cover 51 as described in col. 8 lines 11-19, therefore, when the rear cover 51 is pushed to engage with the front bezel 53, that is from fig. 10B to fig. 10A, the latch 57b will slide along face 64b and push the support back member 61 inwardly and force the support back member 61 move to the right in fig. 10B, it would strongly be reasonable to have a stop behind the support back member 61 to prevent it from moving backward and being deformed, in order to protect the LCD panel 52 sandwiched between the front bezel 53 and the support back member 61. Furthermore, the Examiner has never written “it may have been obvious to one of ordinary skill in the art “ in the 102 rejection.

Regarding arguments of claims 15 and 16, Appellant states that “claims 15 and 16 are similar to claim 5, so the answers are the same as for arguments of claim 5 as stated hereinabove.

Accordingly, the rejection of claims 5-6, 24, 28 and 32 is proper.

Regarding claims 22-23, 26-27, 30 and 31, Appellant argues, "22-23, 26-27, 30 and 31 are deemed to be allowable over Nakamura for the same reasons as outlined regarding the §102(b) rejection." The answer to this argument would be the same as stated hereinabove.

Regarding claim 22, the ribs and couplings claimed in claim 22, are located at each corner portion of the bezel and rear cover. A corner portion is a broad positional limitation. The problem of Appellant's argument does not exist. The mere duplication of parts, or in this case the duplication of process steps to form the duplicate parts not represent novelty, but rather, once Nakamura teaches the process for forming one rib and one coupling on the rear cover and the bezel, its duplication is obvious as stated in the rejection. Therefore, the rejection is proper.

Regarding claims 7 and 17, In response to Appellant's argument that there is no suggestion to combine Nakamura and Lee, the Examiner recognize that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). References are evaluated by what they suggested to one versed in the art, rather than by their specific disclosure. *In re Bozek*, 163 USPQ 545 (CCPA 1969). In this case, the hook taught by Lee would better hold the display apparatus in place as taught by Lee.

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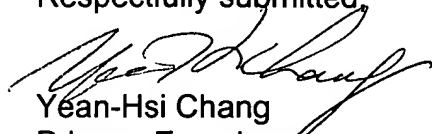
Regarding claims 3, 10 and 20, the misprinted name of reference, Nakamura, has been noticed in the Advisory Action mailed 7/29/05. Appellant should have been awared of the fact.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

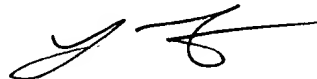

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